

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 ***

5 UNITED STATES OF AMERICA,
6

7 Plaintiff,

8 vs.

9 MILLICENT EPINO, *et al.*,

10 Defendants.

2:13-mj-00776-VCF

ORDER

11 Before the Court are:

- 12 1. Memorandum to Court in Response to Minute Order Doc #117 (#119),
13 2. Motion to Strike “Memorandum” (Dkt. 119) Pursuant to Fed. R. Crim. P. 47; Affidavit of
14 Christina A. DiEdoardo, Esq. (#120), and,
15 3. Application for Order to Show Cause why Ms. Karen Connolly, Esq. should not be held
16 in contempt of this Court’s September 10, 2014 Order Dkt. 117 (#121).

17 On September 9, 2014, Attorney Karen A. Connolly filed with the court a Substitution of
18 Attorney (#113, p. 3), prepared by Attorney Christina A. DiEdoardo. Defendant Matthew Messiha had
19 retained Ms. DiEdoardo to represent him in this action in place of Ms. Connolly, his court appointed
20 attorney. This Substitution was signed by Ms. DiEdoardo, Mr. Messiha and Ms. Connolly.

21 Ms. DiEdoardo filed this Substitution of Attorney as Exhibit 1 to her Motion for Substitution of
22 Attorney by Stipulation Pursuant to LR IA 10-6(c). The Court approved the substitution the same day.
23 The next day, September 10, 2014, Ms. DiEdoardo appeared as counsel for Mr. Messiha at the detention
24 hearing, which had been continued during Mr. Messiha’s initial appearance two days earlier, to allow
25 time for Mr. Messiha’s new counsel to appear. Nowhere in the Substitution (#113, p. 3) or in the

1 Motion (#113) was there any mention of Ms. Connolly's and Ms. DiEdoardo's agreement or intentions
2 with respect to transferring Mr. Messiha's file from Ms. Connolly's office to Ms. DiEdoardo's.

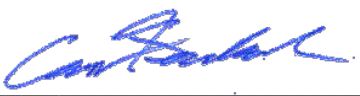
3 During the September 10, 2014, Ms. DiEdoardo requested that Ms. Connolly be ordered to
4 transfer the file to her. As that is a standard term of any substitution order prepared by the Court, as
5 opposed to approval of a stipulated substitution, Minute Order 117 was entered to that effect. Ms.
6 Connolly filed her Memorandum to Court in Response to Minute Order Doc #117 (#119). Then Ms.
7 DiEdoardo filed her Motion to Strike "Memorandum" (Dkt. 119) Pursuant to Fed. R. Crim. P. 47;
8 Affidavit of Christina A. DiEdoardo, Esq. (#120) and Application for Order to Show Cause why Ms.
9 Karen Connolly, Esq. should not be held in contempt of this Court's September 10, 2014 Order Dkt. 117
10 (#121).

11 On September 15, 2014, Ms. Connolly reported to the court that she had transferred her entire
12 file to Ms. DiEdoardo, with the filing of a Notice of Compliance with Minute Order Doc#117. (#122).
13 Considering the circumstances and the arguments of counsel, I find that there is no need for any of the
14 relief requested.

15 Accordingly,

16 IT IS HEREBY ORDERED that the Motion to Strike "Memorandum" (Dkt. 119) Pursuant to
17 Fed. R. Crim. P. 47; Affidavit of Christina A. DiEdoardo, Esq. (#120) and Application for Order to
18 Show Cause why Ms. Karen Connolly, Esq. should not be held in contempt of this Court's September
19 10, 2014 Order Dkt. 117 (#121) are DENIED.

20 Dated this 19th day of September, 2014.

21 
22 _____
23 CAM FERENBACH
24 UNITED STATES MAGISTRATE JUDGE
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